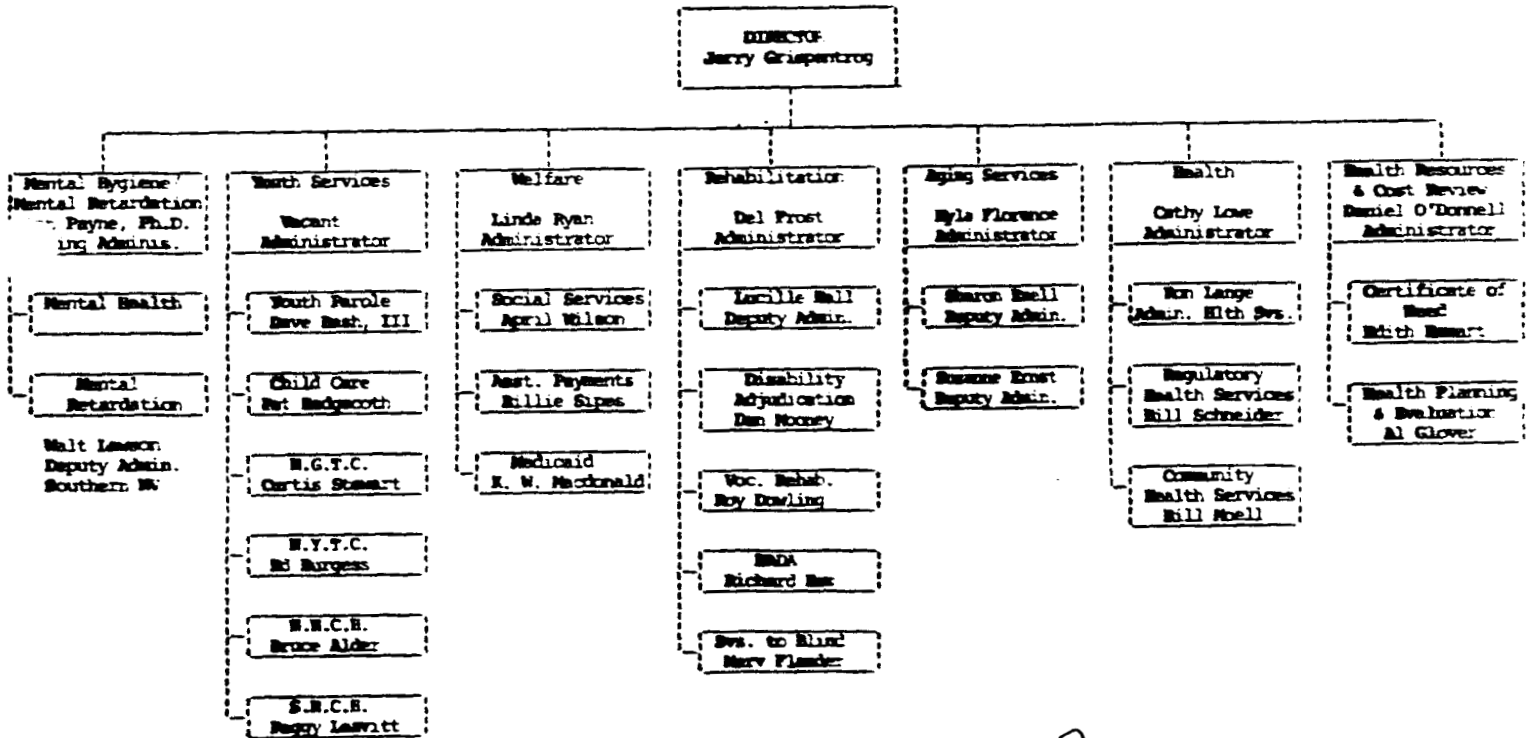


NEVADA

The State of Nevada carries out its responsibilities under direction of the Governor through his office, over 20 departments, 12 commissions, and various boards, councils and offices.

The Department of Human Resources, largest of the State's executive agencies, encompasses seven (7) divisions: Aging Services, Health, Mental Hygiene and Mental Retardation, Rehabilitation, Welfare, Youth Services, and Health Resources and Cost Review.

DEPARTMENT OF HUMAN RESOURCES
September 1985



is this
up to date? NO
it appears not

TN# EC-7 APPROVAL DATE APR 8 1986
SUPERCEDES TN # ES-E

EFFECTIVE DATE 11/86

NEVADA STATE WELFARE DIVISION
Section 100 - 101

ADMINISTRATIVE MANUAL
MTL 4/86 4 Aug 86

100 RESPONSIBILITIES, OBJECTIVES, RELATIONSHIPS, ORGANIZATION

Purpose of the Welfare Division

To provide essential financial, medical and social services for Nevada adults and children in order to meet clients' immediate economic, health and protection needs and to promote family and individual self-sufficiency.

Goal of the Welfare Division

Within the guidelines established by federal and state law, design, establish and administer an efficient and effective program to provide financial, medical and social services for persons seeking and/or determined to have need of the services. Assistance and services are designed to promote immediate and long-term client self-sufficiency and client self-respect.

101 RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN RESOURCES

A. RESPONSIBILITIES OF THE DEPARTMENT

1. Acts as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal funds granted to aid in the furtherance of any services and activities for aid to dependent children, medical assistance, child welfare, child support and enforcement, and such other welfare activities as are now or hereafter may be authorized or provided for by the laws of this state.
2. Cooperates with the Federal Government in adopting state plans, and in all other matters of mutual concern, including adoption of such methods of administration as may be founded by the Federal Government to be necessary for the efficient operation of welfare programs.
3. Amends a state plan under Titles IV-A, IV-D, XIX or XX of the Social Security Act whenever necessary to reflect new or revised federal statutes or regulations, or a material change in any phase of state law, organization, policy, or state agency operations.

B. RESPONSIBILITIES OF DIVISION

1. Administers the determination of eligibility for and correct payments of public welfare programs of this state, including aid to dependent children, medical assistance, child welfare, and such other welfare activities as are now or hereafter may be authorized or provided for by the laws of this state and vested in the Welfare Division.
2. Administers public welfare service programs of this state, including aid to dependent children, medical care (Title XIX), child welfare, child support and enforcement, and such other welfare services as are now or hereafter may be authorized or provided for by the laws of this state and the administration of which is vested in the Welfare Division.

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NEVADA STATE WELFARE DIVISION
Section 101

ADMINISTRATIVE MANUAL
MTL 4/86 4 Aug 86

3. Carries out rules and regulations for the administration of public welfare programs.
4. Conducts research, compiles statistics on public welfare, determines welfare needs and makes recommendations for meeting such needs.
5. Makes all investigations required by a court in adoption proceedings as provided by law.
6. Establishes reasonable minimum standards and regulations for foster homes, and licenses the same as provided by law.
7. Provides services to children; and provides for their care directly or through agents when custody of them is granted by a court to the Welfare Division or a Parent's Agreement is executed.
8. Cooperates with and advises the State Welfare Board in such matters as may be referred to the Welfare Division by the State Welfare Board.
9. Has the power to enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care.

RECEIVED

AUG 15 1986

MEDICAL CARE UNIT

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NEVADA STATE WELFARE DIVISION
Section 102 - 102.2

ADMINISTRATIVE MANUAL
MTL 11/78 30 Jun 78

102 OBJECTIVES OF THE WELFARE DIVISION

102.1 ADMINISTRATION

- A. To plan, lead and guide the direction of the public welfare program in a sound and efficient manner.
- B. To keep the public informed about welfare activities, trends and social problems.
- C. To help in community activities designed to prevent or alleviate conditions which give rise to public welfare problems.
- D. To work effectively with other public and private agencies for the solution of community welfare problems and to avoid duplication of effort in serving clients.
- E. To stimulate and promote community activities and facilities which will enable individuals to develop their maximum potential for acceptable family and individual adjustment.

102.2 PROVISION OF WELFARE PAYMENTS

- A. Within budgetary limitations, to alleviate economic distress by providing a minimum adequate standard of living for eligible persons unable to support themselves so that they may preserve family life, develop and use their own capacities, preserve health, and maintain a decent home for themselves and their families.
- B. To grant assistance promptly to eligible persons, without discrimination and in a manner to encourage self-respect and self-reliance.
- C. To safeguard public funds by:
 - 1. Verifying eligibility in accordance with the policies contained in the Eligibility and Payments Manual.
 - 2. Accurately determining need.
 - 3. Securing maximum use of the person's own resources.
 - 4. Encouraging and assisting individuals to achieve self-support and maintenance.
 - 5. Assuring the proper expenditure of public funds for support and medical care.
 - 6. Terminating assistance promptly when eligibility no longer exists.
 - 7. Cooperating in community studies related to causes of dependency and social problems.

102.3 PROVISION OF WELFARE SERVICES

A. TO HELP DEVELOP THE CAPACITIES OF FAMILY AND INDIVIDUAL MEMBERS SO THAT THEY MAY BE USEFUL, SELF-RESPECTING CITIZENS BY:

1. Evaluating the strengths and weaknesses of family and members.
2. Assisting parents to adequately perform parental functions.
3. Assisting families in reuniting or in meeting the problems which contribute to or are caused by desertion, separation or other factors.
4. Promoting development of the capacities of children through a healthy living situation and education and training so that they may be self-dependent upon reaching maturity.
5. Encouraging the development or capacities of adult members for self-support by assisting them through employment counseling, vocational rehabilitation and placement, and in the provision of homemaker and child care services.
6. Encouraging family members to participate constructively in community life.

B. TO SAFEGUARD THE WELFARE OF CHILDREN BY:

1. Providing social services, as needed, to families to enable parents to provide adequate care for their children.
2. Acting to protect the physical, moral and mental welfare of children threatened by their environment.
3. Acting promptly to secure the removal of children from damaging environment.
4. Providing care away from their own homes when that is necessary.
5. Assuring the availability of foster homes that are conducive to the normal growth and development of the child.
6. Providing social services to parents or other relatives to enable them to improve their functioning as individuals and/or parents, and to assist them in making permanent plans for their children.
7. Providing social services to help the child in his adjustment to foster care, developing his capacity so that he may be self-dependent upon reaching maturity and making more permanent plans for him as soon as possible.
8. Providing help to foster parents and institutional personnel caring for children.

9. Finding adoptive homes to meet the needs of all children free for and needing adoption, placing for adoption such children in need of permanent families and helping adoptive parents to include a new child in their family.

C. TO PROVIDE PROTECTION FOR INCAPACITATED PERSONS AND DEPENDENT AGED BY:

1. Encouraging and preserving maximum productivity or independence for incapacitated persons and dependent aged.
2. Assisting them in obtaining suitable living accommodations.
3. Maintaining standards of care in boarding home facilities.
4. Providing or arranging protective services for persons unable to handle their own affairs.
5. Providing homemaker or housekeeping services to enable such persons to live in their own homes.
6. Assisting them to make use of resources such as their families, their friends and community organizations.
7. Assisting in community planning activities.

102.4 PROVISION OF SUPPORT ENFORCEMENT SERVICES

- A. Works with the district attorneys of the various counties to collect past-due and current support payments due recipients and assigned by them to the Welfare Division and remits any excess over amounts due the Division to recipients in accordance with state and federal law.
- B. Works with the district attorneys of the various counties to collect past-due and current support for eligible non-public assistance applicants for such services and remits the support money to the applicants for services in the manner and subject to deduction of such fees as are authorized by law.
- C. To the end that support may be collected, works with the district attorneys of the various counties to establish the paternity of children eligible for such services.

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103 RELATIONSHIP OF DIVISION TO STATE GOVERNMENT

103.1 JUDICIAL SYSTEM

Judicial powers in Nevada are held by the Supreme Court, District Courts and Justices of the Peace. The Legislature has the power to establish municipal courts in incorporated cities and towns.

The judicial system stems from an effort to protect the individual from arbitrary social authority and to protect society against infringement upon its laws and customs. The system is an interdependent structure of administratively autonomous local, state and federal courts.

The agency's relationships are primarily with district courts and the judges in these courts.

In all formal relationships with the judiciary, decisions on legal points are the exclusive jurisdiction of the court. The agency has the responsibility for casework decisions and makes recommendations to the court based on these decisions. Example: The agency may decide that foster care is the appropriate care for a specific child. The court makes the decision to award temporary custody of the child to the agency; the agency decides upon the type of foster care and the specific home in which the child is placed.

The agency's formal relationships with the judiciary are in three general areas: 1) criminal and civil actions against recipients or relatives of recipients (desertion, non-support, fraud, or other actions related to receipt of assistance); 2) civil actions related to children (custody, termination of parental rights, adoption, etc.); 3) juvenile court actions to the extent the court involves the Division for studies, reports and testimony, and where others petition the court to transfer custody to the Welfare Division.

Informal relationships are of two general types: 1) representatives of the agency are invited to meet the district judges at their annual meeting of judges or to meet with the State Welfare Board and/or other agency representatives for discussion and solution of various types of problems with which the agency and the judiciary are involved. This type of relationship usually has statewide implications, and affects procedures effective uniformly; 2) relationships established with individual judges through discussion of general procedures or plans and procedures related to specific cases. This type relationship is developed primarily on the local level with local applications.

A. SUPREME COURT

The Supreme Court consists of a chief justice and four associate justices. A majority constitutes a quorum and a majority must concur to render a decision.

B. DISTRICT COURT

There are eight judicial districts in Nevada, three of them with more than one judge. Each of the 18 district judges is paid from the State General Fund as authorized by a direct legislative appropriation.

The judicial districts are: FIRST - Carson City, Douglas, Churchill, Lyon and Storey Counties - three judges; SECOND - Washoe County - seven judges; THIRD - Eureka and Lander Counties - one judge; FOURTH - Elko County - one judge; FIFTH - Mineral, Nye and Esmeralda Counties - one judge; SIXTH - Pershing and Humboldt Counties - one judge; SEVENTH - White Pine and Lincoln Counties - one judge; and EIGHTH - Clark County - eleven judges.

C. JUSTICE COURT

There is one justice court in each township of the State for which one Justice of the Peace is elected by the qualified electors of the township at the general State election.

103.2 ATTORNEY GENERAL

Legal services of the Attorney General's office as related to the Division fall in two general groups - responsibility by statute and extra and identifiable services provided by agreement.

A. STATUTORY

The Attorney General is the legal advisor of all executive departments of the agency. As such, it is his responsibility to represent the agency in actions against the State (agency) and on behalf of the state for money due it and to write formal opinions on statutes and rules and regulations governing the agency operation. All opinions of the Attorney General are binding upon the agency unless they are altered or reversed by a court decision. The agency does not enter into contracts except upon approval of the contract by the Attorney General as to form.

B. EXTRA AND IDENTIFIABLE SERVICES

1. To draw contracts for the use of the Division. Such contracts would include but not be limited to those with instructors for orientation-training courses for the blind; vendors of medical and remedial care; medical, legal and other professional consultants and specialists; vending stand operators; Boards of County Commissioners for care of children under Chapter 432 of the Nevada Revised statutes; judicial districts for services to dependent and neglected children in detention homes and adult group care operators; Manager of Presbyterian Conference Grounds and similar meeting place facilities; janitorial services, etc.
2. To prepare petitions for termination of parental rights, appointment of guardian, attachments of undisclosed assets owned by recipients, and other legal actions initiated by the Division, other than for money due the state, which is a statutory service.
3. To assist with drafts of certain rules and regulations where there are legal implications which must be cleared.
4. To review court decisions concerning the Welfare Division to ~~determine which have been affected by subsequent legislation.~~

5. To attend fair hearings on a selective basis. Page 9
6. To develop competence of staff in such areas as legal status of children, providing necessary information to district attorneys and Indian Service law officers regarding desertion and abandonment of children, securing support from parents, exploring possible undisclosed resources, identifying irregular adoptive placements, etc.
7. To interpret to the Administrator and other staff applicable laws and their implication for administration of welfare programs.
8. To participate in establishing good working relationships between the State Welfare Division and the Bar Association, District Judges' Association, and the legal profession as a whole.

103.3 LEGAL ACTIONS RELATED TO RECEIPT OF PUBLIC ASSISTANCE

This type action includes desertion, non-support, fraud, etc. The agency's roles in these actions are usually one of three forms distinguished by a representative of the agency:

- A. Signing a complaint against a recipient or relative of a recipient. The D.A. or the Attorney General represents the agency in actions taken in the name of the State of Nevada.
- B. Supplying all necessary facts to the District Attorney (or Attorney General in the case of relative responsibility). The Attorney will take the necessary action.
- C. Testifying either in person or by deposition.

103.4 LEGAL ACTIONS RELATED TO CHILDREN

Actions related to children are primarily custody, termination of parental rights and adoption. These actions are usually taken by the court on petition or affidavit of the Welfare Division or others as to custody and termination of parental rights and on petition by individuals desiring to adopt a child.

The agency's role in these situations is one of the following:

- A. A representative of the agency requests by petition or affidavit that certain action be taken and supplies the court with necessary facts and information on which the request is based and includes possible alternate plans.
- B. A representative of the agency supplies facts, general information, and recommendations to the court based on social analysis and case-work decisions following initiation of action by others than the agency.
- C. In juvenile actions the court may request any service from the agency that the agency has the authority to provide.
- D. The agency licenses private agencies or institutions prior to the commitment of a child by the juvenile court to such agencies or institutions.

104 ORGANIZATION OF THE WELFARE DIVISION

104.1 STATE WELFARE BOARD

Nevada Revised Statutes, Chapter 422, created within the Welfare Division a State Welfare Board composed of seven members appointed by the Governor. Members of the Board receive a salary of \$60.00 per day, per diem allowance and travel expenses as fixed by law for each day's attendance at each meeting of the Board. The Board must hold a meeting at least once each year.

The Board has only those powers and duties authorized by law. The Board (a) shall adopt regulations for its own management and government; (b) may formulate standards and policies and adopt regulations for the administration of public assistance programs and other programs for which the Division is responsible provided such actions do not require expenditure of money beyond amounts appropriated by the Legislature; (c) advises and makes recommendations to the Welfare Division Administrator, the Director of Human Resources or the Legislature relative to the public welfare policy of the state.

104.2 DIRECTOR OF HUMAN RESOURCES

The Director is responsible for the following Divisions:

Welfare

Health

Mental Hygiene - Mental Retardation

Health Resources and Cost Review

Rehabilitation

Aging Services

Youth Service

104.3 STATE WELFARE ADMINISTRATOR

The executive officer of the Nevada State Welfare Division is the Administrator, responsible for the administration of all activities and services of the Division in accordance with the law and policies, standards, rules and regulations established by the State Welfare Board. The Administrator is responsible to the Director of the Department of Human Resources.

104.4 WELFARE DIVISION

The functions and objectives carried by the Division are organized into two major areas: programs and administration (management). The organizational and functional relationships are shown on the accompanying charts.

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